

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ANGELENA NEFFERTTII DENT
BAIZE and SHELBY WAYNE
MCGAHEY,

Plaintiffs,

v.

KATHLEEN MENDOZA, et al.,

Defendants.

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Case No. 6:22-cv-95-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiffs Angelena Nefferttii Dent Baize and Shelby Wayne McGahey, proceeding pro se, filed this lawsuit alleging several claims. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.


On March 24, 2022, Judge Mitchell ordered Plaintiffs to either pay the full filing fee of \$402 or apply to proceed *in forma pauperis* within five business days. Docket No. 2. The order was mailed to Plaintiffs, but returned as undeliverable. Docket No. 4. Accordingly, on April 21, 2022, Judge Mitchell issued a Report recommending that the Court dismiss Plaintiff's lawsuit without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Docket No. 5. A copy of this Report was sent to Plaintiffs, and the docket reflects that Plaintiffs received the Report on May 3, 2022. Docket No. 6. Plaintiffs have not objected to the Report or otherwise communicated with the Court.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 5) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** without prejudice for failure to prosecute.

So **ORDERED** and **SIGNED** this **26th** day of **May, 2022**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE